

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TARA O'FLAHERTY,

Plaintiff,

v.

Case No.: 2:20-cv-330-FtM-38MRM

JANSSEN PHARMACEUTICALS,
INC., ORTHO-MCNEIL
PHARMACEUTICALS, INC.,
JANSSEN RESEARCH &
DEVELOPMENT LLC, JANSSEN
ORTHO LLC, JOHNSON &
JOHNSON, ALZA CORPORATION
and BAYER HEALTHCARE
PHARMACEUTICALS, INC.,

Defendants.

ORDER¹

Before the Court is Defendants' Motion to Stay Proceedings Pending Decision by the Judicial Panel on Multidistrict Litigation. ([Doc. 46](#)). Plaintiff Tara O'Flaherty does not oppose a stay.

This is a products liability suit about an oral prescription medication for bladder pain that allegedly causes ophthalmological issues. It is also one of dozens pending in federal courts. And last week, certain plaintiffs moved to transfer all cases pending in federal courts, including this one, to the District of New Jersey for centralized Multidistrict

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Litigation proceedings. Defendants now move unopposed to stay this case pending a decision about the transfer.

After considering Defendants' motion and the applicable law, the Court finds in its inherent authority that equity weighs favors staying this case. Because the stay is for a short time, the potential prejudice to Plaintiff is minimal. Indeed, Plaintiff does not oppose the stay. A stay also reduces Defendants' risk of unnecessary, duplicative expenditures. And permitting this case to go forward may result in a waste of judicial resources.

Accordingly, it is now

ORDERED:

- (1) The Court **GRANTS** Defendants' Unopposed Motion to Stay Proceedings Pending Decision by the Judicial Panel on Multidistrict Litigation. ([Doc. 46](#)).
- (2) The parties are **DIRECTED** to file a joint notice updating the Court on the status of the motion to transfer on or before **December 28, 2020**, and every ninety days thereafter until the matter is resolved.
- (3) Defendants' Motion to Dismiss the Amended Complaint ([Doc. 43](#)) is **DENIED without prejudice**.
- (4) The Clerk is **DIRECTED** to place a stay flag.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of September 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record